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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 31, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRYAN PAUL HERNANDEZ,

Plaintiff,

v.

PAUL HERNANDEZ, ANITA

PETRA and ALEXANDER

EKSTROM,

Defendants.

No. 2:22-CV-00209-SAB

**ORDER DISMISSING COMPLAINT
WITHOUT PREJUDICE AND
DIRECTING THAT COLLECTION
OF THE FILING FEE CEASE**

Before the Court are Plaintiff Bryan Paul Hernandez's Motion to Voluntarily Dismiss Complaint, ECF No. 11, and his Motion to Waive Collection of Filing Fee, ECF No. 12. Defendants have not been served in this action.

Plaintiff, a pretrial detainee at the Eastern State Hospital asks that the Court dismiss his Complaint pursuant to Federal Rule of Civil Procedure 41(a), and to waive the remaining balance of the filing fee because he is voluntarily withdrawing his suit. ECF Nos. 11, 12.

Accordingly, **IT IS ORDERED:**

1. Plaintiff's Motion to Voluntarily Dismiss Complaint, ECF No. 11, is **GRANTED**. The Complaint is **DISMISSED WITHOUT PREJUDICE**.

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE AND
DIRECTING THAT COLLECTION OF THE FILING FEE CEASE -- 1

1 2. Plaintiff's Motion to Waive Collection of the Filing Fee, ECF No. 12, is
2 **GRANTED**. The institution having custody of Plaintiff Hernandez shall
3 cease collection of the filing fee in this action, case number **2:22-cv-00209-**
4 **SAB**.

5 **IT IS SO ORDERED**. The Clerk of Court is directed to enter this Order,
6 enter judgment of dismissal without prejudice, provide a copy to Plaintiff and **close**
7 the file. The Clerk of Court is further directed to provide a copy of this Order to
8 **the Director of the Eastern State Hospital, P.O. Box 800, Maple Street,**
9 **Medical Lake, WA 99022-0800**, to forward to the appropriate agency having
10 custody of Plaintiff, if needed. The Clerk of Court also shall provide a copy of this
11 Order to the Financial Administrator for the United States District Court, Eastern
12 District of Washington.

13 **DATED** this 31st day of January 2023.



17 *Stanley A. Bastian*

18 Stanley A. Bastian
19 Chief United States District Judge
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